

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6425

BILL NUMBER: SB 63

DATE PREPARED: Apr 11, 2001

BILL AMENDED: Apr 11, 2001

SUBJECT: Interference with Medical Services.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a person who knowingly or intentionally physically interrupts, obstructs, or alters the delivery or administration of prescription drugs ordered or prescribed for a patient without a prescription or order commits interference with medical services, a Class A misdemeanor. It makes the offense a Class D felony if the conduct results in bodily injury to the patient. It makes the offense: (1) a Class C felony if it is committed by a person who is a health care provider or licensed health professional; (2) a Class B felony if it results in serious bodily injury to the patient; and (3) a Class A felony if it results in the death of the patient. It provides for certain defenses.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) The following prison terms apply: (1) a Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances; (2) a Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances; (3) a Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances; and (4) a Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities is as follows: (1) for all Class A felony offenders it is approximately eight years, four months; (2) for all Class B felony offenders it is approximately three years, six months; (3) for all Class C felony offenders it is approximately two years; and (4) for all Class D felony offenders it is approximately ten months.

The bill also provides for the defense that a person who engages in conduct otherwise prohibited in this bill is justified if the conduct was performed by a health care provider or licensed professional acting within the scope of the person's practice or rendering emergency care at the scene.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for Class A, B, C, and D felonies is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: (Revised) A Class A misdemeanor is punishable by a maximum term in jail of one year. If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.